

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1106**

Introduced by Raikes, 25

Read first time January 15, 2004

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 43-2007, 60-658,  
2 79-215, 79-237, 79-528, 79-598, 79-611, 79-1003,  
3 79-10,110, 79-1601, 79-1606, and 85-607, Reissue Revised  
4 Statutes of Nebraska; to change provisions relating to  
5 home schools, student transportation vehicles, the option  
6 enrollment program, reports, contracts for instruction  
7 between school districts, and mileage allowances; to  
8 redefine a term for purposes of the Tax Equity and  
9 Educational Opportunities Support Act; to eliminate a  
10 hearing relating to health and safety modifications and  
11 provisions relating to a report; to harmonize provisions;  
12 and to repeal the original sections.  
13 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 43-2007, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   43-2007. (1) Upon notification by the patrol of a  
4 missing person, any school in which the missing person is currently  
5 or was previously enrolled shall flag the school records of such  
6 person in such school's possession. The school shall report  
7 immediately any request concerning a flagged record or any  
8 knowledge of the whereabouts of the missing person.

9                   (2) Upon enrollment of a student for the first time in a  
10 public school district or private school system, the school of  
11 enrollment shall notify in writing the person enrolling the student  
12 that within thirty days he or she must provide either (a) a  
13 certified copy of the student's birth certificate or (b) other  
14 reliable proof of the student's identity and age accompanied by an  
15 affidavit explaining the inability to produce a copy of the birth  
16 certificate.

17                   (3) The parent or guardian of a child who is receiving  
18 his or her education in a ~~home~~ an exempt school subject to sections  
19 79-1601 to 79-1607 shall, not later than October 1 of the first  
20 year of the child's attendance at the ~~home~~ exempt school, provide  
21 to the Commissioner of Education either (a) a certified copy of the  
22 child's birth certificate or (b) other reliable proof of the  
23 child's identity and age accompanied by an affidavit explaining the  
24 inability to produce a copy of the birth certificate.

25                   (4) Upon failure of the person, parent, or guardian to  
26 comply with subsection (2) or (3) of this section, the school or  
27 Commissioner of Education shall notify such person, parent, or  
28 guardian in writing that unless he or she complies within ten days

1 the matter shall be referred to the local law enforcement agency  
2 for investigation. If compliance is not obtained within such  
3 ten-day period, the school or commissioner shall immediately report  
4 such matter. Any affidavit received pursuant to subsection (2) or  
5 (3) of this section that appears inaccurate or suspicious in form  
6 or content shall be reported immediately to the local law  
7 enforcement agency by the school or commissioner.

8 (5) Any school requested to forward a copy of a  
9 transferred student's record shall not forward a copy of such  
10 record to the requesting school if the record has been flagged  
11 pursuant to subsection (1) of this section. If such record has  
12 been flagged, the school to whom such request is made shall notify  
13 the local law enforcement agency of the request and that such  
14 student is a reported missing person.

15 Sec. 2. Section 60-658, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 60-658. School bus shall mean any motor vehicle which  
18 complies with the color and identification requirements as provided  
19 in the laws of this state or set forth in the 1990 Revised Edition  
20 of the National Standards for School Buses and National Standards  
21 for School Bus Operations, available from the National Safety  
22 Council, and subdivision (13) of section 79-318 which is used to  
23 transport children to or from school or in connection with school  
24 activities but shall not include buses operated by common carriers  
25 in urban transportation of school children.

26 Sec. 3. Section 79-215, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28 79-215. (1) Except as otherwise provided in this

1 section, a student is a resident of the school district where he or  
2 she resides or any school district where at least one of his or her  
3 parents reside and shall be admitted to any such school district  
4 upon request without charge.

5 (2) A school board shall admit any homeless student that  
6 requests admission without charge.

7 (3) A school board may allow a student whose residency in  
8 the district ceases during a school year to continue attending  
9 school in such district for the remainder of that school year.

10 (4) A school board may admit nonresident students to the  
11 school district pursuant to a contract with the district where the  
12 student is a resident and shall collect tuition pursuant to the  
13 contract.

14 (5) A school board may admit nonresident students to the  
15 school district pursuant to the enrollment option program as  
16 authorized by sections 79-232 to 79-246, and such admission shall  
17 be without charge.

18 (6) A school board may admit a student who is a resident  
19 of another state to the school district and collect tuition in  
20 advance at a rate determined by the school board.

21 (7) When a student as a ward of the state or as a ward of  
22 any court (a) ~~has been placed~~ is placed by the state or court in a  
23 school district other than the district in which he or she resided  
24 at the time he or she became a ward and such ward does not reside  
25 in a foster family home licensed or approved by the Department of  
26 Health and Human Services or a foster home maintained or used  
27 pursuant to section 83-108.04 or (b) ~~has been placed~~ is placed by  
28 the state or court in any institution which maintains a special

1 education program which has been approved by the State Department  
2 of Education and such institution is not owned or operated by the  
3 district in which he or she resided at the time he or she became a  
4 ward, the cost of his or her education and the required  
5 transportation costs associated with the student's education shall  
6 be paid by the state, but not in advance, to the receiving school  
7 district or approved institution under rules and regulations  
8 prescribed by the Department of Health and Human Services and the  
9 student shall remain a resident of the district in which he or she  
10 resided at the time he or she became a ward until he or she is no  
11 longer a ward. Any student who is a ward of the state or a ward of  
12 any court who resides in a foster family home licensed or approved  
13 by the Department of Health and Human Services or a foster home  
14 maintained or used pursuant to section 83-108.04 shall be deemed a  
15 resident of the district in which the foster family home or foster  
16 home is located.

17 (8) When a student is not a ward of the state or a ward  
18 of any court and is residing in a residential setting located in  
19 Nebraska for reasons other than to receive an education and the  
20 residential setting is operated by a service provider which is  
21 certified or licensed by the Department of Health and Human  
22 Services or is enrolled in the medical assistance program  
23 established under sections 68-1018 to 68-1025 and Title XIX or XXI  
24 of the federal Social Security Act, as amended, the student shall  
25 remain a resident of the district in which he or she resided  
26 immediately prior to residing in such residential setting. Upon  
27 request by a parent or legal guardian, the resident school district  
28 shall contract with the district in which such residential setting

1 is located for the provision of all educational services, including  
2 all special education services. If the parent or legal guardian  
3 has requested that the resident school district contract with the  
4 district in which such residential setting is located, the district  
5 in which such residential setting is located shall contract with  
6 the resident district and provide all educational services,  
7 including all special education services, to the student. If the  
8 two districts cannot agree on the amount of the contract, the State  
9 Department of Education shall determine the amount to be paid by  
10 the resident district to the district in which such residential  
11 setting is located based on the needs of the student, approved  
12 special education rates, the department's general experience with  
13 special education budgets, and the cost per student in the district  
14 in which such residential setting is located. Once the contract  
15 has been entered into, all legal responsibility for special  
16 education and related services shall be transferred to the school  
17 district in which the residential setting is located. The resident  
18 district for a student who is not a ward of the state or a ward of  
19 any court does not change when the student moves from one  
20 residential setting to another.

21 (9) In the case of any individual eighteen years of age  
22 or younger who is a ward of the state or any court and who is  
23 placed in a county detention home established under section  
24 43-2,110, the cost of his or her education shall be paid by the  
25 state, regardless of the district in which he or she resided at the  
26 time he or she became a ward, to the agency or institution which:  
27 (a) Is selected by the county board with jurisdiction over such  
28 detention home; (b) has agreed or contracted with such county board

1 to provide educational services; and (c) has been approved by the  
2 State Department of Education pursuant to rules and regulations  
3 prescribed by the State Board of Education.

4 (10) No tuition shall be charged for students who may be  
5 by law allowed to attend the school without charge.

6 (11) On a form prescribed by the State Department of  
7 Education, an adult with legal or actual charge or control of a  
8 student shall provide the name of the student, the name of the  
9 adult with legal or actual charge or control of the student, the  
10 address where the student is residing, and the telephone number and  
11 address where the adult may generally be reached during the school  
12 day. If the student is homeless or if the adult does not have a  
13 telephone number and address where he or she may generally be  
14 reached during the school day, those parts of the form may be left  
15 blank and a box may be marked acknowledging that these are the  
16 reasons these parts of the form were left blank. The adult with  
17 legal or actual charge or control of the student shall also sign  
18 the form.

19 (12) The department shall adopt and promulgate rules and  
20 regulations to carry out the department's responsibilities under  
21 this section.

22 Sec. 4. Section 79-237, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 79-237. (1) (a) Except as provided in subdivision (b) of  
25 this subsection, for a student to attend school in an option school  
26 district, the student's parent or legal guardian shall submit an  
27 application to the school board of the option school district  
28 between September 1 and March 15 for enrollment during the

1 following and subsequent school years. Applications submitted  
2 after March 15 shall be accompanied by a written release from the  
3 resident school district. The option school district shall provide  
4 the resident school district with the name of the applicant on or  
5 before April 1. The option school district shall notify, in  
6 writing, the parent or legal guardian of the student and the  
7 resident school district, and the State Department of Education  
8 whether the application is accepted or rejected on or before April  
9 1.

10 (b) For a student to attend school in an option school  
11 district whose resident school district has a desegregation plan  
12 adopted by the school board or ordered by the federal court, the  
13 student's parent or legal guardian shall submit an application to  
14 the school board of the resident school district between September  
15 1 and January 1 for enrollment during the following and subsequent  
16 school years. If the application is accepted, the resident school  
17 district shall notify, in writing, the option school district and  
18 the parent or legal guardian of the student on or before February  
19 1. If the application is rejected, the resident school district  
20 shall notify, in writing, the parent or legal guardian of the  
21 student on or before February 1. If the application is accepted by  
22 the resident school district, the option school district shall  
23 notify, in writing, the parent or legal guardian of the student,  
24 the resident school district, and the State Department of Education  
25 whether the application is accepted or rejected by the option  
26 school district on or before April 1.

27 (2) Applications for students who do not actually attend  
28 the option school district may be withdrawn in good standing upon



1 mutual agreement by both the resident and option school districts.

2 (3) No option student shall attend an option school  
3 district for less than one school year unless the student relocates  
4 to a different resident school district, completes requirements for  
5 graduation prior to the end of his or her senior year, transfers to  
6 a private or parochial school, or upon mutual agreement of the  
7 resident and option school districts cancels the enrollment option  
8 and returns to the resident school district.

9 (4) Except as provided in subsection (3) of this section,  
10 the option student shall attend the option school district until  
11 graduation unless the student relocates in a different resident  
12 school district, transfers to a private or parochial school, or  
13 chooses to return to the resident school district.

14 (5) In each case of cancellation pursuant to subsections  
15 (3) and (4) of this section, the student's parent or legal guardian  
16 shall notify the school board of the option school district and the  
17 resident school district and the department ~~by March 15 for~~  
18 ~~automatic approval for the following school year~~ of his or her  
19 intent to cancel the enrollment option.

20 (6) The application and cancellation forms shall be  
21 prescribed and furnished by the State Department of Education.

22 (7) An option student who subsequently chooses to attend  
23 a private or parochial school shall be automatically accepted to  
24 return to either the resident school district or option school  
25 district upon the completion of the grade levels offered at the  
26 private or parochial school. If such student chooses to return to  
27 the option school district, the student's parent or legal guardian  
28 shall submit another application to the school board of the option

1 school district which shall be automatically accepted, and the  
2 deadlines prescribed in this section shall be waived.

3 Sec. 5. Section 79-528, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 79-528. (1)(a) On or before July 20 in all school  
6 districts, the superintendent or head administrator shall file with  
7 the State Department of Education a report ~~under oath~~ showing the  
8 number of children from five through eighteen years of age  
9 belonging to the school district according to the census taken as  
10 provided in sections 79-524 and 79-578. ~~The report shall identify~~  
11 ~~the number of boys and the number of girls in each of the~~  
12 ~~respective age categories.~~

13 (b) Each Class I school district which is part of a Class  
14 VI school district offering instruction (i) in grades kindergarten  
15 through five shall report children from five through ten years of  
16 age, (ii) in grades kindergarten through six shall report children  
17 from five through eleven years of age, and (iii) in grades  
18 kindergarten through eight shall report children from five through  
19 thirteen years of age.

20 (c) Each Class VI school district offering instruction  
21 (i) in grades six through twelve shall report children who are  
22 eleven through eighteen years of age, (ii) in grades seven through  
23 twelve shall report children who are twelve through eighteen years  
24 of age, and (iii) in grades nine through twelve children who are  
25 fourteen through eighteen years of age.

26 (d) Each Class I district which has affiliated in whole  
27 or in part shall report children from five through thirteen years  
28 of age.

1           (e) Each Class II, III, IV, or V district shall report  
2 children who are fourteen through eighteen years of age residing in  
3 Class I districts or portions thereof which have affiliated with  
4 such district.

5           (f) The board of any district neglecting to take and  
6 report the enumeration shall be liable to the school district for  
7 all school money which such district may lose by such neglect.

8           (2) On or before June 30 the superintendent or head  
9 administrator of each school district shall file with the  
10 Commissioner of Education a report ~~under oath~~ described as an  
11 end-of-the-school-year annual statistical summary showing (a) the  
12 number of children attending school during the year under five  
13 years of age, (b) the length of time the school has been taught  
14 during the year by a qualified teacher, (c) the length of time  
15 taught by each substitute teacher, and (d) such other information  
16 as the Commissioner of Education directs.

17           (3) On or before November 1 the superintendent or head  
18 administrator of each school district shall ~~submit to~~ file with the  
19 Commissioner of Education, ~~to be filed in his or her office, a~~  
20 ~~report under oath~~ a report described as the annual financial report  
21 showing (a) the amount of money received from all sources during  
22 the year and the amount of money expended by the school district  
23 during the year, (b) the amount of bonded indebtedness, (c) such  
24 other information as shall be necessary to fulfill the requirements  
25 of the Tax Equity and Educational Opportunities Support Act and  
26 section 79-1114, and (d) such other information as the Commissioner  
27 of Education directs.

28           (4) On or before October 15 of each year, the

1 superintendent or head administrator of each school district shall  
2 ~~deliver to~~ file with the department the fall school district  
3 membership report, which report shall include the number of  
4 children from birth through twenty years of age enrolled in the  
5 district on the last Friday in September of a given school year.  
6 The report shall enumerate (a) students by grade level, (b) school  
7 district levies and total assessed valuation for the current fiscal  
8 year, and (c) such other information as the Commissioner of  
9 Education directs. When any school district fails to submit its  
10 fall school district membership report by November 1, the  
11 commissioner shall, after notice to the district and an opportunity  
12 to be heard, direct that any state aid granted pursuant to the Tax  
13 Equity and Educational Opportunities Support Act be withheld until  
14 such time as the report is received by the department. In  
15 addition, the commissioner shall direct the county treasurer to  
16 withhold all school money belonging to the school district until  
17 such time as the commissioner notifies the county treasurer of  
18 receipt of such report. The county treasurer shall withhold such  
19 money.

20 Sec. 6. Section 79-598, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 79-598. (1) The school board of any public school  
23 district in this state, when authorized by a majority of the votes  
24 cast at any annual or special meeting, shall (a) contract with the  
25 board of any neighboring public school district or districts for  
26 the instruction of all or any part of the pupils residing in the  
27 first named district in the school or schools maintained by the  
28 neighboring public school district or districts for a period of

1 time not to exceed ~~three~~ two years and (b) make provision for the  
2 transportation of such pupils to the school or schools of the  
3 neighboring public school district or districts.

4 (2) The school board of any public school district may  
5 also, when petitioned to do so by at least two-thirds of the  
6 parents residing in the district having children of school age who  
7 will attend school under the contract plan, (a) contract with the  
8 board of any neighboring public school district or districts for  
9 the instruction of all or any part of the pupils residing in the  
10 first named district in the school or schools maintained by the  
11 neighboring public school district or districts for a period of  
12 time not to exceed ~~three~~ two years and (b) make provision for the  
13 transportation of such pupils to the school or schools of the  
14 neighboring public school district or districts.

15 (3) The contract price for instruction referred to in  
16 subsections (1) and (2) of this section shall be the cost per pupil  
17 for the immediately preceding school year or the current year,  
18 whichever appears more practical as determined by the board of the  
19 district which accepts the pupils for instruction. The cost per  
20 pupil shall be determined by dividing the sum of the operational  
21 cost and debt service expense of the accepting district, except  
22 retirement of debt principal, plus three percent of the insurable  
23 or present value of the school plant and equipment of the accepting  
24 district, by the average daily membership of pupils in the  
25 accepting district. Payment of the contract price shall be made in  
26 equal installments at the beginning of the first and second  
27 semesters.

28 (4) All the contracts referred to in subsections (1) and

1 (2) of this section shall be in writing, and copies of all such  
2 contracts shall be filed in the office of the superintendent of the  
3 primary high school district on or before August 15 of each year.  
4 School districts thus providing instruction for their children in  
5 neighboring districts shall be considered as maintaining a school  
6 as required by law. The teacher of the school providing the  
7 instruction shall keep a separate record of the attendance of all  
8 pupils from the first named district and make a separate report to  
9 the secretary of that district. The board of every sending  
10 district contracting under this section shall enter into contracts  
11 with school districts of the choice of the parents of the children  
12 to be educated under the contract plan. Any school district  
13 failing to comply with this section shall not be paid any funds  
14 from the state apportionment of school funds while such violation  
15 continues.

16 (5) The State Committee for the Reorganization of School  
17 Districts may dissolve any district (a) failing to comply with this  
18 section, (b) in which the votes cast at an annual or special  
19 election on the question of contracting with a neighboring district  
20 are evenly divided, or (c) in which the governing body of the  
21 district is evenly divided in its vote on the question of  
22 contracting pursuant to subsection (2) of this section. The state  
23 committee shall dissolve and attach to a neighboring district or  
24 districts any school district which, for ~~five~~ two consecutive  
25 years, contracts for the instruction of its pupils, except that  
26 when such dissolution will create extreme hardships on the pupils  
27 or the district affected, the State Board of Education may, on  
28 application by the school board of the district, waive the

1 requirements of this subsection. The dissolution of any school  
2 district pursuant to this section shall be effected in the manner  
3 prescribed in section 79-498. ~~School districts that have~~  
4 ~~contracted for instruction for two or more consecutive years shall,~~  
5 ~~before reopening the schoolhouse within the district, have an~~  
6 ~~enrollment of at least five pupils whose parents or legal guardians~~  
7 ~~are legal voters of the school district and shall apply to the~~  
8 ~~state committee for approval to reopen that schoolhouse for school~~  
9 ~~use.~~

10 Sec. 7. Section 79-611, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 79-611. (1) The school board shall ~~either~~ provide free  
13 transportation, partially provide free transportation, or pay an  
14 allowance for transportation in lieu of free transportation as  
15 follows:

16 (a) When a student attends an elementary school in his or  
17 her own district and lives more than four miles from the public  
18 schoolhouse in such district as measured by the shortest route that  
19 must actually and necessarily be traveled by motor vehicle;

20 (b) When a student is required to attend an elementary  
21 school outside of his or her own district and lives more than four  
22 miles from such elementary school as measured by the shortest route  
23 that must actually and necessarily be traveled by motor vehicle;

24 (c) When a student attends a secondary school in his or  
25 her own Class II or Class III school district and lives more than  
26 four miles from the public schoolhouse as measured by the shortest  
27 route that must actually and necessarily be traveled by motor  
28 vehicle. This subdivision does not apply when one or more Class I

1 school districts merge with a Class VI school district to form a  
2 new Class II or III school district on or after January 1, 1997;  
3 and

4 (d) When a student, other than a student in grades ten  
5 through twelve in a Class V district, attends an elementary or  
6 junior high school in his or her own Class V district and lives  
7 more than four miles from the public schoolhouse in such district  
8 as measured by the shortest route that must actually and  
9 necessarily be traveled by motor vehicle.

10 (2) The transportation allowance which may be paid to the  
11 parent, custodial parent, or guardian of students qualifying for  
12 free transportation pursuant to subsection (1) of this section  
13 shall equal two hundred eighty-five percent of the mileage rate  
14 provided in section 81-1176, multiplied by each mile actually and  
15 necessarily traveled, on each day of attendance, beyond which the  
16 one-way distance from the residence of the student to the  
17 schoolhouse exceeds three miles.

18 (3) Whenever students from more than one family travel to  
19 school in the same vehicle, the transportation allowance prescribed  
20 in subsection (2) of this section shall be payable as follows:

21 (a) To the parent, custodial parent, or guardian  
22 providing transportation for students from other families, one  
23 hundred percent of the amount prescribed in subsection (2) of this  
24 section for the transportation of students of such parent's,  
25 custodial parent's, or guardian's own family and an additional five  
26 percent for students of each other family not to exceed a maximum  
27 of one hundred twenty-five percent of the amount determined  
28 pursuant to subsection (2) of this section; and



1           (b) To the parent, custodial parent, or guardian not  
2 providing transportation for students of other families, two  
3 hundred eighty-five percent of the mileage rate provided in section  
4 81-1176 multiplied by each mile actually and necessarily traveled,  
5 on each day of attendance, from the residence of the student to the  
6 pick-up point at which students transfer to the vehicle of a  
7 parent, custodial parent, or guardian described in subdivision (a)  
8 of this subsection.

9           (4) When a student who qualifies under the mileage  
10 requirements of subsection (1) of this section lives more than one  
11 mile from the location where the student must be picked up and  
12 dropped off in order to access school-provided free transportation,  
13 as measured by the shortest route that must actually and  
14 necessarily be traveled by motor vehicle between his or her  
15 residence and such location, such school-provided transportation  
16 shall be deemed partially provided free transportation. Schools  
17 partially providing free transportation shall pay an allowance to  
18 the student's parent, custodial parent, or guardian equal to two  
19 hundred eighty-five percent of the mileage rate provided in section  
20 81-1176 multiplied by each mile actually and necessarily traveled  
21 on each day of attendance, beyond which the one-way distance from  
22 the residence of the student to the location where the student must  
23 be picked up and dropped off exceeds one mile.

24           (5) The board may authorize school-provided  
25 transportation to any student who does not qualify under the  
26 mileage requirements of subsection (1) of this section and may  
27 charge a fee to the parent or guardian of the student for such  
28 service. An affiliated high school district may provide free

1 transportation or pay the allowance described in this section for  
2 high school students residing in an affiliated Class I district.  
3 No transportation payments shall be made to a family for mileage  
4 not actually traveled by such family. The number of days the  
5 student has attended school shall be reported monthly by the  
6 teacher to the board of such public school district.

7 ~~(5)~~ (6) No more than one allowance shall be made to a  
8 family irrespective of the number of students in a family being  
9 transported to school. If a family resides in a Class I district  
10 which is part of a Class VI district and has students enrolled in  
11 any of the grades offered by the Class I district and in any of the  
12 non-high-school grades offered by the Class VI district, such  
13 family shall receive not more than one allowance for the distance  
14 actually traveled when both districts are on the same direct travel  
15 route with one district being located a greater distance from the  
16 residence than the other. In such cases, the travel allowance  
17 shall be prorated among the school districts involved.

18 ~~(6)~~ (7) No student shall be exempt from school attendance  
19 on account of distance from the public schoolhouse.

20 Sec. 8. Section 79-1003, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 79-1003. For purposes of the Tax Equity and Educational  
23 Opportunities Support Act:

24 (1) Adjusted general fund operating expenditures means  
25 general fund operating expenditures as calculated pursuant to  
26 subdivision (23) of this section minus the transportation allowance  
27 and minus the special receipts allowance;

28 (2) Adjusted valuation means the assessed valuation of

1 taxable property of each local system in the state, adjusted  
2 pursuant to the adjustment factors described in section 79-1016.  
3 Adjusted valuation means the adjusted valuation for the property  
4 tax year ending during the school fiscal year immediately preceding  
5 the school fiscal year in which the aid based upon that value is to  
6 be paid. For purposes of determining the local effort rate yield  
7 pursuant to section 79-1015.01, adjusted valuation does not include  
8 the value of any property which a court, by a final judgment from  
9 which no appeal is taken, has declared to be nontaxable or exempt  
10 from taxation;

11 (3) Allocated income tax funds means the amount of  
12 assistance paid to a local system pursuant to section 79-1005.01 or  
13 79-1005.02 as adjusted by the minimum levy adjustment pursuant to  
14 section 79-1008.02;

15 (4) Average daily attendance of a student who resides on  
16 Indian land means average daily attendance of a student who resides  
17 on Indian land from the most recent data available on November 1  
18 preceding the school fiscal year in which aid is to be paid;

19 (5) Average daily membership means the average daily  
20 membership for grades kindergarten through twelve attributable to  
21 the local system, as provided in each district's annual statistical  
22 summary, and includes the proportionate share of students enrolled  
23 in a public school instructional program on less than a full-time  
24 basis;

25 (6) Base fiscal year means the first school fiscal year  
26 following the school fiscal year in which the reorganization or  
27 unification occurred;

28 (7) Board means the school board of each school district;

1           (8) Categorical funds means funds limited to a specific  
2 purpose by federal or state law, including, but not limited to,  
3 Title I funds, Title VI funds, federal vocational education funds,  
4 federal school lunch funds, Indian education funds, Head Start  
5 funds, funds from the Education Innovation Fund, and funds from the  
6 School Technology Fund;

7           (9) Consolidate means to voluntarily reduce the number of  
8 school districts providing education to a grade group and does not  
9 include dissolution pursuant to section 79-498;

10          (10) Converted contract means an expired contract that  
11 was in effect for at least fifteen years for the education of  
12 students in a nonresident district in exchange for tuition from the  
13 resident district when the expiration of such contract results in  
14 the nonresident district educating students who would have been  
15 covered by the contract if the contract were still in effect as  
16 option students pursuant to the enrollment option program  
17 established in section 79-234;

18          (11) Converted contract option students means students  
19 who will be option students pursuant to the enrollment option  
20 program established in section 79-234 for the school fiscal year  
21 for which aid is being calculated and who would have been covered  
22 by a converted contract if the contract were still in effect and  
23 such school fiscal year is the first school fiscal year for which  
24 such contract is not in effect;

25          (12) Department means the State Department of Education;

26          (13) District means any Class I, II, III, IV, V, or VI  
27 school district;

28          (14) Ensuing school fiscal year means the school fiscal

1 year following the current school fiscal year;

2 (15) Equalization aid means the amount of assistance  
3 calculated to be paid to a local system pursuant to sections  
4 79-1008.01 to 79-1022 and 79-1022.02;

5 (16) Fall membership means the total membership in  
6 kindergarten through grade twelve attributable to the local system  
7 as reported on the fall school district membership reports for each  
8 district pursuant to section 79-528;

9 (17) Fiscal year means the state fiscal year which is the  
10 period from July 1 to the following June 30;

11 (18) Formula students means (a) for state aid certified  
12 pursuant to section 79-1022, the sum of fall membership from the  
13 school fiscal year immediately preceding the school fiscal year in  
14 which the aid is to be paid, multiplied by the average ratio of  
15 average daily membership to fall membership for the second school  
16 fiscal year immediately preceding the school fiscal year in which  
17 aid is to be paid and the prior two school fiscal years, and  
18 tuitioned students from the school fiscal year immediately  
19 preceding the school fiscal year in which the aid is to be paid and  
20 (b) for final calculation of state aid pursuant to section 79-1065,  
21 the sum of average daily membership and tuitioned students from the  
22 school fiscal year immediately preceding the school fiscal year in  
23 which the aid was paid;

24 (19) Free lunch and free milk student means a student who  
25 qualified for free lunches or free milk from the most recent data  
26 available on November 1 of the school fiscal year immediately  
27 preceding the school fiscal year in which aid is to be paid;

28 (20) Full-day kindergarten means kindergarten offered by

1 a district for at least one thousand thirty-two instructional  
2 hours;

3 (21) General fund budget of expenditures means the total  
4 budget of disbursements and transfers for general fund purposes as  
5 certified in the budget statement adopted pursuant to the Nebraska  
6 Budget Act, except that for purposes of the limitation imposed in  
7 section 79-1023, the calculation of Class I total allowable general  
8 fund budget of expenditures minus the special education budget of  
9 expenditures pursuant to section 79-1083.03, and the calculation  
10 pursuant to subdivision (2) of section 79-1027.01, the general fund  
11 budget of expenditures does not include any special grant funds,  
12 exclusive of local matching funds, received by a district subject  
13 to the approval of the department;

14 (22) General fund expenditures means all expenditures  
15 from the general fund;

16 (23) General fund operating expenditures means the total  
17 general fund expenditures minus categorical funds, tuition paid,  
18 transportation fees paid to other districts, adult education,  
19 summer school, community services, redemption of the principal  
20 portion of general fund debt service, retirement incentive plans,  
21 staff development assistance, and transfers from other funds into  
22 the general fund for the second school fiscal year immediately  
23 preceding the school fiscal year in which aid is to be paid;

24 (24) High school district means a school district  
25 providing instruction in at least grades nine through twelve;

26 (25) Income tax liability means the amount of the  
27 reported income tax liability for resident individuals pursuant to  
28 the Nebraska Revenue Act of 1967 less all nonrefundable credits

1 earned and refunds made;

2 (26) Income tax receipts means the amount of income tax  
3 collected pursuant to the Nebraska Revenue Act of 1967 less all  
4 nonrefundable credits earned and refunds made;

5 (27) Limited English proficiency student means a student  
6 with limited English proficiency from the most recent data  
7 available on November 1 of the school fiscal year preceding the  
8 school fiscal year in which aid is to be paid;

9 (28) Local system means (a) a Class VI district and the  
10 associated Class I districts, (b) ~~or~~ a Class II, III, IV, or V  
11 district and any affiliated Class I districts or portions of Class  
12 I districts, or (c) a unified system pursuant to section 79-4,108  
13 and any affiliated Class I districts or portions of Class I  
14 districts. The membership, expenditures, and resources of Class I  
15 districts that are affiliated with multiple high school districts  
16 will be attributed to local systems based on the percent of the  
17 Class I valuation that is affiliated with each high school  
18 district;

19 (29) Low-income child means a child under nineteen years  
20 of age living in a household having an annual adjusted gross income  
21 of fifteen thousand dollars or less for the second calendar year  
22 preceding the beginning of the school fiscal year for which aid is  
23 being calculated;

24 (30) Most recently available complete data year means the  
25 most recent single school fiscal year for which the annual  
26 financial report, fall school district membership report, annual  
27 statistical summary, Nebraska income tax liability by school  
28 district for the calendar year in which the majority of the school

1 fiscal year falls, and adjusted valuation data are available;

2 (31) Regular route transportation means the  
3 transportation of students on regularly scheduled daily routes to  
4 and from the attendance center;

5 (32) Reorganized district means any district involved in  
6 a consolidation and currently educating students following  
7 consolidation;

8 (33) School year or school fiscal year means the fiscal  
9 year of a school district as defined in section 79-1091;

10 (34) Special education means specially designed  
11 kindergarten through grade twelve instruction pursuant to section  
12 79-1125, and includes special education transportation;

13 (35) Special grant funds means the budgeted receipts for  
14 grants, including, but not limited to, Title I funds, Title VI  
15 funds, funds from the Education Innovation Fund, reimbursements for  
16 wards of the court, short-term borrowings including, but not  
17 limited to, registered warrants and tax anticipation notes,  
18 interfund loans, insurance settlements, and reimbursements to  
19 county government for previous overpayment. The state board shall  
20 approve a listing of grants that qualify as special grant funds;

21 (36) Special receipts allowance means the amount of  
22 special education, state ward, and accelerated or differentiated  
23 curriculum program receipts included in local system formula  
24 resources under subdivisions (7), (8), (16), and (17) of section  
25 79-1018.01;

26 (37) State aid means the amount of assistance paid to a  
27 district pursuant to the Tax Equity and Educational Opportunities  
28 Support Act;



1                   (38) State board means the State Board of Education;

2                   (39) State support means all funds provided to districts  
3 by the State of Nebraska for the general fund support of elementary  
4 and secondary education;

5                   (40) Temporary aid adjustment factor means one and  
6 one-fourth percent of the sum of the local system's transportation  
7 allowance, the local system's special receipts allowance, and the  
8 product of the local system's adjusted formula students multiplied  
9 by the average formula cost per student in the local system's cost  
10 grouping;

11                   (41) Transportation allowance means the lesser of (a)  
12 each local system's general fund expenditures for regular route  
13 transportation and in lieu of transportation expenditures pursuant  
14 to section 79-611 in the second school fiscal year immediately  
15 preceding the school fiscal year in which aid is to be paid, but  
16 not including special education transportation expenditures or  
17 other expenditures previously excluded from general fund operating  
18 expenditures, or (b) the number of miles traveled in the second  
19 school fiscal year immediately preceding the school fiscal year in  
20 which aid is to be paid by vehicles owned, leased, or contracted by  
21 the district or the districts in the local system for the purpose  
22 of regular route transportation multiplied by four hundred percent  
23 of the mileage rate established by the Department of Administrative  
24 Services pursuant to section 81-1176 as of January 1 of the most  
25 recently available complete data year added to in lieu of  
26 transportation expenditures pursuant to section 79-611 from the  
27 same data year;

28                   (42) Tuition receipts from converted contracts means

1 tuition receipts received by a district from another district in  
2 the most recently available complete data year pursuant to a  
3 converted contract prior to the expiration of the contract; and

4 (43) Tuitioned students means students in kindergarten  
5 through grade twelve of the district whose tuition is paid by the  
6 district to some other district or education agency.

7 Sec. 9. Section 79-10,110, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 79-10,110. (1) After making a determination that an  
10 actual or potential environmental hazard or accessibility barrier  
11 exists, that a life safety code violation exists, or that  
12 expenditures are needed for indoor air quality or mold abatement  
13 and prevention within the school buildings or grounds under its  
14 control, a school board may make and deliver to the county clerk of  
15 such county in which any part of the school district is situated,  
16 not later than the date provided in section 13-508, an itemized  
17 estimate of the amounts necessary to be expended for the abatement  
18 of such environmental hazard, for accessibility barrier  
19 elimination, or for modifications for life safety code violations,  
20 indoor air quality, or mold abatement and prevention in such school  
21 buildings or grounds. ~~The board shall conduct a public hearing on~~  
22 ~~the itemized estimate prior to presenting such estimate to the~~  
23 ~~county clerk. Notice of the place and time of such hearing shall,~~  
24 ~~at least five days prior to the date set for hearing, be published~~  
25 ~~in a newspaper of general circulation within the school district.~~  
26 The board shall designate the particular environmental hazard  
27 abatement project, accessibility barrier elimination project, or  
28 modification for life safety code violations, indoor air quality,

1 or mold abatement and prevention for which the tax levy provided  
2 for by this section will be expended, the period of years, which  
3 shall not exceed ten years, for which the tax will be levied for  
4 such project, and the amount of the levy for each year of the  
5 period.

6 (2) After a public hearing, a school board may undertake  
7 any qualified capital purpose in any qualified zone academy under  
8 its control and may levy a tax as provided in this section to repay  
9 a qualified zone academy bond issued for such undertaking. The  
10 board shall designate the particular qualified capital purpose for  
11 which the qualified zone academy bond was issued and for which the  
12 tax levy provided for by this section will be expended, the period  
13 of years, not exceeding fifteen, for which the tax will be levied  
14 for such qualified zone academy bond, and the amount of the levy  
15 for each year of the period. The hearing required by this  
16 subsection shall be held only after notice of such hearing has been  
17 published for three consecutive weeks prior to the hearing in a  
18 legal newspaper published or of general circulation in the school  
19 district.

20 (3) The board may designate more than one project under  
21 subsection (1) of this section or qualified capital purpose under  
22 subsection (2) of this section and levy a tax pursuant to this  
23 section for each such project or qualified capital purpose,  
24 concurrently or consecutively, as the case may be, if the aggregate  
25 levy in each year and the duration of each such levy will not  
26 exceed the limitations specified in this section. Each levy for a  
27 project or qualified capital purpose which is authorized by this  
28 section may be imposed for such duration as the board specifies,

1 notwithstanding the contemporaneous existence or subsequent  
2 imposition of any other levy for another project or qualified  
3 capital purpose imposed pursuant to this section and  
4 notwithstanding the subsequent issuance by the district of bonded  
5 indebtedness payable from its general fund levy.

6 (4) The county clerk shall levy such taxes, not to exceed  
7 five and one-fifth cents per one hundred dollars of taxable  
8 valuation for Class II, III, IV, V, and VI districts, and not to  
9 exceed the limits set for Class I districts in section 79-10,124,  
10 on the taxable property of the district necessary to (a) cover the  
11 environmental hazard abatement or accessibility barrier elimination  
12 project costs or costs for modification for life safety code  
13 violations, indoor air quality, or mold abatement and prevention  
14 itemized by the board pursuant to subsection (1) of this section  
15 and (b) repay any qualified zone academy bonds pursuant to  
16 subsection (2) of this section. Such taxes shall be collected by  
17 the county treasurer at the same time and in the same manner as  
18 county taxes are collected and when collected shall be paid to the  
19 treasurer of the district and used to cover the project costs.

20 (5) If such board operates grades nine through twelve as  
21 part of an affiliated school system, it shall designate the  
22 fraction of the project or undertaking to be conducted for the  
23 benefit of grades nine through twelve. Such fraction shall be  
24 raised by a levy placed upon all of the taxable value of all  
25 taxable property in the affiliated school system pursuant to  
26 subsection (2) of section 79-1075. The balance of the project or  
27 undertaking to be conducted for the benefit of grades kindergarten  
28 through eight shall be raised by a levy placed upon all of the

1 taxable value of all taxable property in the district which is  
2 governed by such board. The combined rate for both levies in the  
3 high school district, to be determined by such board, shall not  
4 exceed five and one-fifth cents on each one hundred dollars of  
5 taxable value.

6 (6) Each board which submits an itemized estimate shall  
7 establish an environmental hazard abatement and accessibility  
8 barrier elimination project account, a life safety code  
9 modification project account, an indoor air quality project  
10 account, or a mold abatement and prevention project account, and  
11 each board which undertakes a qualified capital purpose shall  
12 establish a qualified capital purpose undertaking account, within  
13 the qualified capital purpose undertaking fund. Taxes collected  
14 pursuant to this section shall be credited to the appropriate  
15 account to cover the project or undertaking costs. Such estimates  
16 may be presented to the county clerk and taxes levied accordingly.

17 (7) For purposes of this section:

18 (a) Abatement includes, but is not limited to, any  
19 inspection and testing regarding environmental hazards, any  
20 maintenance to reduce, lessen, put an end to, diminish, moderate,  
21 decrease, control, dispose of, or eliminate environmental hazards,  
22 any removal or encapsulation of environmentally hazardous material  
23 or property, any restoration or replacement of material or  
24 property, any related architectural and engineering services, and  
25 any other action to reduce or eliminate environmental hazards in  
26 the school buildings or on the school grounds under the board's  
27 control, except that abatement does not include the encapsulation  
28 of any material containing more than one percent friable asbestos;

1           (b) Accessibility barrier means anything which impedes  
2 entry into, exit from, or use of any building or facility by all  
3 people;

4           (c) Accessibility barrier elimination includes, but is  
5 not limited to, inspection for and removal of accessibility  
6 barriers, maintenance to reduce, lessen, put an end to, diminish,  
7 control, dispose of, or eliminate accessibility barriers, related  
8 restoration or replacement of facilities or property, any related  
9 architectural and engineering services, and any other action to  
10 eliminate accessibility barriers in the school buildings or grounds  
11 under the board's control;

12           (d) Environmental hazard means any contamination of the  
13 air, water, or land surface or subsurface caused by any substance  
14 adversely affecting human health or safety if such substance has  
15 been declared hazardous by a federal or state statute, rule, or  
16 regulation;

17           (e) Modification for indoor air quality includes, but is  
18 not limited to, any inspection and testing regarding indoor air  
19 quality, any maintenance to reduce, lessen, put an end to,  
20 diminish, moderate, decrease, control, dispose of, or eliminate  
21 indoor air quality problems, any restoration or replacement of  
22 material or related architectural and engineering services, and any  
23 other action to reduce or eliminate indoor air quality problems or  
24 to enhance air quality conditions in new or existing school  
25 buildings or on school grounds under the control of a school board;

26           (f) Modification for life safety code violation includes,  
27 but is not limited to, any inspection and testing regarding life  
28 safety codes, any maintenance to reduce, lessen, put an end to,

1 diminish, moderate, decrease, control, dispose of, or eliminate  
2 life safety hazards, any restoration or replacement of material or  
3 property, any related architectural and engineering services, and  
4 any other action to reduce or eliminate life safety hazards in new  
5 or existing school buildings or on school grounds under the control  
6 of a school board;

7 (g) Modification for mold abatement and prevention  
8 includes, but is not limited to, any inspection and testing  
9 regarding mold abatement and prevention, any maintenance to reduce,  
10 lessen, put an end to, diminish, moderate, decrease, control,  
11 dispose of, or eliminate mold problems, any restoration or  
12 replacement of material or related architectural and engineering  
13 services, and any other action to reduce or eliminate mold problems  
14 or to enhance air quality conditions in new or existing school  
15 buildings or on school grounds under the control of a school board;

16 (h) Qualified capital purpose means (i) rehabilitating or  
17 repairing the public school facility in which the qualified zone  
18 academy is established or (ii) providing equipment for use at such  
19 qualified zone academy;

20 (i) Qualified zone academy has the meaning found in 26  
21 U.S.C. 1397E(d)(4), as such section existed on April 6, 2001;

22 (j) Qualified zone academy allocation means the  
23 allocation of the qualified zone academy bond limitation by the  
24 State Department of Education to the qualified zone academies  
25 pursuant to 26 U.S.C. 1397E(e)(2), as such section existed on April  
26 6, 2001; and

27 (k) Qualified zone academy bond has the meaning found in  
28 26 U.S.C. 1397E(d)(1), as such section existed on May 8, 2001.

1           (8)    Accessibility barrier elimination project costs  
2 includes, but is not limited to, inspection, maintenance,  
3 accounting, emergency services, consultation, or any other action  
4 to reduce or eliminate accessibility barriers.

5           (9)    For the purpose of paying amounts necessary for the  
6 abatement of environmental hazards, accessibility barrier  
7 elimination, or modifications for life safety code violations,  
8 indoor air quality, or mold abatement and prevention, the board may  
9 borrow money and issue bonds and other evidences of indebtedness of  
10 the district, which bonds and other evidences of indebtedness shall  
11 be secured by and payable from an irrevocable pledge by the  
12 district of amounts received in respect of the tax levy provided  
13 for by this section and any other funds of the district available  
14 therefor. Bonds and other evidences of indebtedness issued by a  
15 district pursuant to this subsection shall not constitute a general  
16 obligation of the district or be payable from any portion of its  
17 general fund levy.

18           (10)   The total principal amount of bonds for  
19 modifications to correct life safety code violations, for indoor  
20 air quality problems, or for mold abatement and prevention which  
21 may be issued pursuant to this section shall not exceed the total  
22 amount specified in the itemized estimate described in subsection  
23 (1) of this section.

24           (11)   The total principal amount of qualified zone academy  
25 bonds which may be issued pursuant to this section for qualified  
26 capital purposes with respect to a qualified zone academy shall not  
27 exceed the qualified zone academy allocation granted to the board  
28 by the department. The total amount that may be financed by



1 qualified zone academy bonds pursuant to this section for qualified  
2 purposes with respect to a qualified zone academy shall not exceed  
3 seven and one-half million dollars statewide in a single year. In  
4 any year that the Nebraska qualified zone academy allocations  
5 exceed seven and one-half million dollars for qualified capital  
6 purposes to be financed with qualified zone academy bonds issued  
7 pursuant to this section, (a) the department shall reduce such  
8 allocations proportionally such that the statewide total for such  
9 allocations equals seven and one-half million dollars and (b) the  
10 difference between the Nebraska allocation and seven and one-half  
11 million dollars shall be available to qualified zone academies for  
12 requests that will be financed with qualified zone academy bonds  
13 issued without the benefit of this section.

14 Nothing in this section directs the State Department of  
15 Education to give any preference to allocation requests that will  
16 be financed with qualified zone academy bonds issued pursuant to  
17 this section.

18 Sec. 10. Section 79-1601, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 79-1601. (1) Except as provided in subsections (2)  
21 through (6) of this section, all private, denominational, and  
22 parochial schools in the State of Nebraska and all teachers  
23 employed or giving instruction in such schools shall be subject to  
24 and governed by the provisions of the general school laws of the  
25 state so far as the same apply to grades, qualifications, and  
26 certification of teachers and promotion of ~~pupils~~ students. All  
27 private, denominational, and parochial schools shall have adequate  
28 equipment and supplies, shall be graded the same, and shall have

1 courses of study for each grade conducted in such schools  
2 substantially the same as those given in the public schools where  
3 the ~~children~~ students attending would attend in the absence of such  
4 private, denominational, or parochial schools.

5 (2) All private, denominational, or parochial schools  
6 shall either comply with the accreditation or approval requirements  
7 prescribed in section 79-318 or, for those schools which elect not  
8 to meet accreditation or approval requirements, the requirements  
9 prescribed in section 79-318 and subsections (2) through (6) of  
10 this section. Standards and procedures for approval and  
11 accreditation shall be based upon the program of studies, guidance  
12 services, the number and preparation of teachers in relation to the  
13 curriculum and enrollment, instructional materials and equipment,  
14 science facilities and equipment, library facilities and materials,  
15 and health and safety factors in buildings and grounds. Rules and  
16 regulations which govern standards and procedures for private,  
17 denominational, and parochial schools which elect, pursuant to the  
18 procedures prescribed in subsections (2) through (6) of this  
19 section, not to meet state accreditation or approval requirements  
20 shall be based upon evidence that such schools offer a program of  
21 instruction leading to the acquisition of basic skills in the  
22 language arts, mathematics, science, social studies, and health.  
23 Such rules and regulations may include a provision for the  
24 visitation of such schools and regular achievement testing of  
25 students attending such schools in order to insure that such  
26 schools are offering instruction in the basic skills listed in this  
27 subsection. Any arrangements for visitation or testing shall be  
28 made through a parent representative of each such school. The

1 results of such testing may be used as evidence that such schools  
2 are offering instruction in such basic skills but shall not be used  
3 to measure, compare, or evaluate the competency of students at such  
4 schools.

5 (3) The provisions of subsections (3) through (6) of this  
6 section shall apply to any private, denominational, or parochial  
7 school in the State of Nebraska which elects not to meet state  
8 accreditation or approval requirements. Elections pursuant to such  
9 subsections shall be effective when a statement is received by the  
10 Commissioner of Education signed by the parents or legal guardians  
11 of all ~~children~~ students attending such private, denominational, or  
12 parochial school, stating that (a) either specifically (i) the  
13 requirements for approval and accreditation required by law and the  
14 rules and regulations adopted and promulgated by the State Board of  
15 Education violate sincerely held religious beliefs of the parents  
16 or legal guardians or (ii) the requirements for approval and  
17 accreditation required by law and the rules and regulations adopted  
18 and promulgated by the State Board of Education interfere with the  
19 decisions of the parents or legal guardians in directing ~~their~~  
20 ~~child's~~ the student's education, (b) an authorized representative  
21 of such parents or legal guardians will at least annually submit to  
22 the Commissioner of Education the information necessary to prove  
23 that the requirements of subdivisions (4)(a) through (c) of this  
24 section are satisfied, (c) the school offers the courses of  
25 instruction required by subsections (2), (3), and (4) of this  
26 section, and (d) the parents or legal guardians have satisfied  
27 themselves that individuals monitoring instruction at such school  
28 are qualified to monitor instruction in the basic skills as

1 required by subsections (2), (3), and (4) of this section and that  
2 such individuals have demonstrated an alternative competency to  
3 monitor instruction or supervise ~~children~~ students pursuant to  
4 subsections (3) through (6) of this section.

5 (4) Each such private, denominational, or parochial  
6 school shall (a) meet minimum requirements relating to health,  
7 fire, and safety standards prescribed by state law and the rules  
8 and regulations of the State Fire Marshal, (b) report attendance  
9 pursuant to section 79-201, (c) maintain a sequential program of  
10 instruction designed to lead to basic skills in the language arts,  
11 mathematics, science, social studies, and health, and (d) comply  
12 with the immunization requirements in section 79-217 if the  
13 statement signed by the parents or legal guardians indicate a  
14 nonreligious reason pursuant to subdivision (3)(a)(ii) of this  
15 section for the student attending a private, denominational, or  
16 parochial school which elects not to meet state accreditation or  
17 approval requirements. The State Board of Education shall  
18 establish procedures for receiving information and reports required  
19 by subsections (3) through (6) of this section from authorized  
20 parent representatives who may act as agents for parents or legal  
21 guardians of students attending such school and for individuals  
22 monitoring instruction in the basic skills required by subsections  
23 (2), (3), and (4) of this section.

24 (5) Individuals employed by schools which elect not to  
25 meet state accreditation or approval requirements shall not be  
26 required to meet the certification requirements prescribed in  
27 sections 79-801 to 79-815 but shall either (a) take appropriate  
28 subject matter components of a nationally recognized teacher

1 competency examination designated by the State Board of Education  
2 as (i) including the appropriate subject matter areas for purposes  
3 of satisfying the requirements of subsections (3) and (4) of this  
4 section and (ii) a nationally recognized examination or (b) offer  
5 evidence of competence to provide instruction in the basic skills  
6 required by subsections (3) and (4) of this section pursuant to  
7 informal methods of evaluation which shall be developed by the  
8 State Board of Education. Such evidence may include educational  
9 transcripts, diplomas, and other information regarding the formal  
10 educational background of such individuals. Information concerning  
11 test results, transcripts, diplomas, and other evidence of formal  
12 education may be transmitted to the State Department of Education  
13 by authorized representatives of parents or legal guardians. The  
14 results of such testing or alternative evaluation of individuals  
15 who monitor the instruction of students attending such schools may  
16 be used as evidence of whether or not such schools are offering  
17 adequate instruction in the basic skills prescribed in subsections  
18 (2), (3), and (4) of this section but shall not be used to prohibit  
19 any such school from employing such individuals. Failure of a  
20 monitor, who is tested for the purpose of satisfying in whole or in  
21 part the requirements of subsections (3) through (6) of this  
22 section, to attain a score equal to or exceeding both the state or  
23 national average score or rating on appropriate subject matter  
24 components of recognized teacher competency examinations designated  
25 by the State Board of Education may be by itself sufficient proof  
26 that such school does not offer adequate instruction in the basic  
27 skills prescribed in subsections (3) and (4) of this section.

28 (6) The demonstration of competency to monitor

1 instruction in a private, denominational, or parochial school which  
2 has elected not to meet state accreditation or approval  
3 requirements shall in no way constitute or be construed to grant a  
4 license, permit, or certificate to teach in the State of Nebraska.  
5 Any school which elects not to meet state accreditation or approval  
6 requirements and does not meet the requirements of subsections (2)  
7 through (6) of this section shall not be deemed a school for  
8 purposes of section 79-201, and the parents or legal guardians of  
9 any ~~children~~ students attending such school shall be subject to  
10 prosecution pursuant to such section or any statutes relating to  
11 habitual truancy.

12           Sec. 11.     Section 79-1606, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           79-1606.    In case any private, denominational, or  
15 parochial school, after a final determination by the proper  
16 authorities under sections 79-1601 to 79-1607, fails, refuses, or  
17 neglects to conform to and comply with such sections, no person  
18 shall be granted or allowed a certificate to teach in such school  
19 and the ~~pupils~~ students attending such school shall be required to  
20 attend the public school of the proper district as provided by law  
21 in like manner as though there were no such private,  
22 denominational, or parochial school. Full credit for certification  
23 under the law shall be given all teachers who have taught in  
24 private, denominational, or parochial schools the same as though  
25 they had taught in public schools.

26           Sec. 12.     Section 85-607, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28           85-607.    No publicly funded college or university in this

1 state shall prohibit the admission of any ~~child~~ student educated in  
2 any school which elects to meet the requirements of subsections (2)  
3 through (6) of section 79-1601 if the ~~child~~ student is qualified  
4 for admission as shown by testing results.

5           Sec. 13. Original sections 43-2007, 60-658, 79-215,  
6 79-237, 79-528, 79-598, 79-611, 79-1003, 79-10,110, 79-1601,  
7 79-1606, and 85-607, Reissue Revised Statutes of Nebraska, are  
8 repealed.